



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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Ted Graziani  
Chairman

Tom Palshaw  
Vice Chairman

Bill Correia  
Keith Durao  
Jim Prichard  
John Ridzon  
Heather Stavens

## Charter Revision Commission

### REGULAR MEETING MINUTES

February 21, 2018

MEMBERS PRESENT: Bill Correia, Keith Durao, Ted Graziani, Tom Palshaw and Heather Stavens

MEMBERS ABSENT: Jim Prichard and John Ridzon

OTHERS PRESENT: Lori Spielman, First Selectman

#### I. CALL TO ORDER:

Chairman Graziani called to order the Charter Revision Commission (CRC) Regular Meeting at 6:34 p.m. in the Town Hall Meeting Hall, 55 Main Street, Ellington, CT.

#### II. CITIZENS' FORUM [Non-agenda items]:

Mr. Palshaw thanked Marie Sauve for the assistance she has provided to the CRC, beyond typing the minutes.

#### III. APPROVAL OF MINUTES:

##### A. January 31, 2018 Special Meeting Minutes

MOVED (PALSHAW), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO APPROVE THE CHARTER REVISION COMMISSION SPECIAL MEETING MINUTES OF JANUARY 31, 2018.

#### IV. UNFINISHED BUSINESS:

##### A. Consider Changes to the Town Charter

##### 1. Charter Revision Commission Draft Report

The CRC reviewed the proposals submitted (see attached table) and took the following action:

**#1.** Section 602. Annual Town Budget Meeting: Due to requirements by State Statute, the legal notice of the referendum must be published five (5) days prior to the budget referendum. The local newspaper has a deadline of noon the day prior to publication. This presents a tight deadline and not always obtainable. This change to Section 602 will allow for timely publication of the legal notice.

MOVED (CORREIA), SECONDED (PALSHAW) AND PASSED UNANIMOUSLY TO INCLUDE THE FOLLOWING CHANGE IN THE CRC DRAFT REPORT:

**SECTION 602. ANNUAL TOWN BUDGET MEETING**

The annual town budget meeting for the consideration of the budget shall be convened in accordance with the provisions of Section 1006 of this Charter and shall be held on the second Tuesday of May at such hour and at such place as the Board of Selectmen shall determine, and no other town agency, board, or commission shall meet on said day. The Board of Selectmen shall request the presence at such meeting of a representative of each board, agency, or commission submitting a budget request. If the vote on the annual town budget is adjourned to a referendum, all further votes of the annual town budget shall be by referendum to be held two weeks after the town meeting is adjourned and every other week thereafter until final approval is given. [AMENDED 11/05/02; 11/6/07]

**#2.** Section 205. Vacancies – Elective Officers, Subsection (a) & (d): This change to Sections 205 (a) and (d) will change the term of office for elected official vacancies to serve until the end of the current term vs. until the next election. Changing the term date will save time and administrative costs by eliminating the need for creating a “two-year vacancy”.

Mr. Palshaw questioned if the proposed change conflicts with State Statutes and suggested the CRC obtain a legal opinion. Mr. Correia questioned if the two-year vacancy has occurred in the past. It was confirmed that it did occur and that the Secretary of the State has recommended this change.

MOVED (PALSHAW), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO INCLUDE THE FOLLOWING CHANGE IN THE CRC DRAFT REPORT, PENDING TOWN ATTORNEY REVIEW:

**SECTION 205. VACANCIES – ELECTIVE OFFICERS, SUBSECTION (a) & (d)**

- (a) Unless otherwise provided by law, any vacancy, in any elective town office, including the Board of Education, but excluding the First Selectman, shall be filled within ~~forty-five (45)~~ thirty (30) days of such vacancy by appointment of the Board of Selectmen, to serve until the ~~first Monday of December following the next regular election~~ end of the current term in which the vacancy occurred, except that appointments to the Board of Education shall serve until the next regular election, as defined in Section 9-1 of the General Statutes, as amended. [AMENDED 11/5/02]
- (d) Except as otherwise provided in this Charter, all appointments to fill vacancies in any elective town office, except appointments to the Board of Education, shall be for the unexpired portion of the term of elective office so filled. Any vacancy in any elective town office shall be filled within thirty (30) days from the time of its occurrence if there shall be a regular election as defined in Section 9-1 of the General Statutes, as amended, before the expiration of the term of any office in which a vacancy occurs, such office shall be filled by appointment until said election as provided herein and subsequently by the election of a person to fill that office for the remaining portion of the term with such person to take office on the first Monday in December following the election, except that election of a person to the Board of Education who shall begin the day of election. [AMENDED 11/6/07]



**#3.** Section 808. Public Safety Commission: The Public Safety Commission has been inactive since 2004. Currently the duties of the Public Safety Commission are performed by the Ad Hoc Emergency Services Committee.

MOVED (PALSHAW), SECONDED (CORREIA) AND PASSED UNANIMOUSLY TO INCLUDE THE FOLLOWING CHANGE IN THE CRC DRAFT REPORT:

**SECTION 808. PUBLIC SAFETY COMMISSION – REPEALED**

~~The Board of Selectmen, in accordance with Section 802 of this Charter, shall appoint a Public Safety Commission consisting of nine (9) members, said members to serve for terms of three (3) years. All appointments to this commission shall be made by the Board of Selectmen, in the manner provided herein, as vacancies on this board are created by the expiration of a member's term of service. Said commission shall draw lines of communication, form operational policies among the town agencies involved with public safety, and work with area towns having similar public safety problems in applying for Federal and State grants and technical assistance.~~

**#4 [A].** Section 923. Emergency Services: This change to Section 923 will give the Town flexibility in determining who will provide emergency services to the Town.

MOVED (PALSHAW), SECONDED (DURAO) AND PASSED UNANIMOUSLY TO INCLUDE THE FOLLOWING CHANGE IN THE CRC DRAFT REPORT:

**SECTION 923. EMERGENCY SERVICES**

Emergency Services to the Town of Ellington will be provided by Ellington Volunteer Fire Department, Crystal Lake Fire Department and Ellington Volunteer Ambulance Corps, or, if the Board of Selectmen deem it to be in the best interest of the Town, the Town may provide for other means of provision of emergency services in lieu of said volunteer companies. In any event, the Board of Selectmen shall execute a written contract with each agency or entity specifying details of such service. As a minimum, each contract will delineate type and scope of services provided, primary response areas, financial relationships and reporting requirements between the Town of Ellington and each agency or entity. Each contract shall be reviewed and revised as necessary by the Board of Selectmen and each agency or entity no less than biennially.

**#4 [B].** Section 923. Emergency Services: Add Director of Emergency and Medical Services.

The CRC agreed this proposal will require a great deal of study. Mr. Correia suggested inviting officials from other Towns who operate their emergency and medical services with a Director position. Ms. Stavens asked Lori Spielman what Towns she has visited while researching this position. Ms. Spielman stated that she met with the Town of Coventry, who employs a Fire and EMS Administrator to oversee the administrative functions of the fire and emergency medical services (EMS) for the Town. The Administrator's duties include administrative work such as budgeting, recording-keeping, grant writing, purchasing, management analysis, policy development and maintenance/repairs to the facilities and the apparatus.

Mr. Palshaw stated that he has done some research and will provide the members with a copy of the Coventry Charter that pertains to the town-wide emergency services and the Coventry Fire and EMS Administrator job description, for discussion at the next meeting.

This proposed change was tabled for further study.

**#5.** Section 1011. Purchasing: This change to Section 1011 will remove from the Town Charter the dollar amount, \$7,500, regarding the minimum monetary amount required to obtain competitive bidding and add language that the minimum monetary amount will comply with the Town Ordinance Concerning Competitive Bidding Requirements, which is \$25,000.

#### **SECTION 1011. PURCHASING**

*Purchases for the Town of Ellington, except the Board of Education and the Probate Court, shall be made under such rules and regulations as may be established by the Board of Selectmen. ~~For any purchase estimated at seven thousand five hundred dollars (\$7,500) or more, the~~ The Finance Officer shall invite sealed bids in accordance with the Town Ordinance Concerning Competitive Bidding Requirement, unless the Board of Selectmen shall decide it to be against the best interest of the town. The Finance Officer shall provide a minimum of ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town. The Finance Officer shall, with the approval of the requesting board, commission, committee, or department, award the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly. For any purchase less than ~~seven thousand five hundred dollars (\$7,500)~~ the amount stated in the Town Ordinance Concerning Competitive Bidding Requirement, or such other amount required by law, the Finance Officer or his or her designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract. [AMENDED 11/5/02; 11/6/07]*

Mr. Palshaw noted that the Ordinance Concerning Competitive Bidding Requirements (attached) states that it authorizes Charter Section 1011 be amended by Ordinance. Mr. Palshaw stated that per State Statute, the Charter cannot be amended by Ordinance; however, an Ordinance can change the dollar amount in the Charter. He questioned if Ordinance Concerning Competitive Bidding Requirements was properly worded. He suggested that the CRC obtain a legal opinion before referencing the Ordinance in the Charter. Mr. Durao questioned how to correct the Ordinance if it was not done properly. Ms. Sauve explained that the Board of Selectmen can recommend an amendment to the Ordinance and then send it to a Public Hearing and then to a Town Meeting for approval by the voters.

MOVED (PALSHAW), SECONDED (DURAO) AND PASSED UNANIMOUSLY TO TABLE ACTION REGARDING THE PROPOSAL TO AMEND SECTION 1011 – PURCHASING, PENDING A LEGAL OPINION ON THE EXISTING ORDINANCE.

Mr. Graziani requested that the Town Attorney provide a response by March 14, 2018 in order for the CRC to take action at their March 21, 2018 meeting.

**#6 [A].** Section 302. Election and Terms of Office: Town Election. This proposal would change the terms of the First Selectman and the Board of Selectmen from two (2) years to four (4) years and is consistent with the terms of all elected boards/commission.

In addition, this change will not allow the votes for the unsuccessful candidate for First Selectman to be counted as a member of the Board of Selectmen.

#### **SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION**

*At a meeting of the electors of the Town of Ellington to be held on the third day of November, 1987, and biennially on the first Tuesday after the first Monday of November*



thereafter, there shall be elected the following officers, if said officers current term is due to expire:

- (a) A First Selectman. The First Selectman shall be elected for a term of four (4) years. The votes cast for the unsuccessful candidate for First Selectman shall not be counted for him/her as a member of the Board of Selectmen.
- (b) Six (6) members of the Board of Selectmen, in accordance with the applicable provisions of Sections 7-193 and 9-188 of the General Statutes, as amended; said members shall be elected for four (4) year terms.
- (c) Five (5) members of the Board of Education, in accordance with the provisions of Section 9-204 of the General Statutes, as amended, to serve for a term of four (4) years.
- (d) Three (3) members of the Board of Library Directors, each of whom shall serve for a term of four (4) years, and who shall succeed those members of said board whose terms then expire, so that the Board of Library Directors shall continue to consist of six (6) members, each of whom shall be elected for a term of four (4) years.  
[AMENDED 11/5/02, 11/6/07]
- (e) Three (3) members of the Board of Finance, each of whom shall serve for terms of four (4) years and who shall succeed those members of said board whose terms then expire so that the Board of Finance shall continue to consist of six (6) members, each of whom shall be elected for a term of four (4) years.
- (f) The Planning & Zoning Commission shall consist of seven (7) members; said members shall be elected to staggered terms of four (4) years. [AMENDED 11/6/07]
- (g) The Zoning Board of Appeals shall consist of five (5) members; said members shall be elected to staggered terms of four (4) years. [AMENDED 11/6/07]

That number of persons sufficient to fill the offices to be elected who have the highest number of votes shall be elected subject to Section 203 of this Charter. The terms of office of all elected town officers, members of the town boards and commissions, shall commence on the first Monday in December following their election; provided, however, that the terms of office of members of the Board of Education shall commence on the date of their election.

MOVED (PALSHAW), SECONDED (DURAO) AND PASSED UNANIMOUSLY TO INCLUDE THE CHANGE TO SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION, SUBSECTION (a) IN THE CRC DRAFT REPORT: "(A) A FIRST SELECTMAN. THE FIRST SELECTMAN SHALL BE ELECTED FOR A TERM OF FOUR (4) YEARS. THE VOTES CAST FOR THE UNSUCCESSFUL CANDIDATE FOR FIRST SELECTMAN SHALL NOT BE COUNTED FOR HIM OR HER AS A MEMBER OF THE BOARD OF SELECTMEN."

MOVED (PALSHAW), SECONDED (GRAZIANI) AND PASSED [AYE: GRAZIANI/STAVENS/ DURAO; NAY: PALSHAW; ABSTAINED: CORREIA] TO INCLUDE THE CHANGE TO SECTION 302. ELECTION AND TERMS OF OFFICE: TOWN ELECTION, SUBSECTION (B) IN THE CRC DRAFT REPORT: B) SIX (6) MEMBERS OF THE BOARD OF SELECTMEN, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTIONS 7-193 AND 9-188 OF THE GENERAL STATUTES, AS AMENDED; SAID MEMBERS SHALL BE ELECTED FOR FOUR (4) YEAR TERMS.

**#6 [B].** Section 701. General: This proposed change would change the terms of the First Selectman from two (2) years to four (4) years.

MOVED (DURAO), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO INCLUDE THE FOLLOWING CHANGE IN THE CRC DRAFT REPORT:

**SECTION 701. GENERAL**

~~At each biennial town election a~~ A First Selectman shall be chosen by the electors of the town as provided in Chapter III of this charter. The First Selectman shall be the chief executive and chief administrative officer of the town and shall receive such compensation as shall be recommended by the Board of Selectmen and approved in the annual budget. Said First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of said board. The First Selectman, or another Selectman designated by the First Selectman shall be an ex-officio member of all other town boards, commissions, and agencies and shall receive such advance notification of any such meeting as is given to the members of said bodies. He shall have the full right of participation in discussions but shall not have the right to vote.

**#7.** Section 605. Power to Overrule – Town Meeting Actions, Subsection (d): This change will revise the language regarding the 15% majority percentage requirement needed to overrule action taken at a Town Meeting.

**SECTION 605. POWER TO OVERRULE – TOWN MEETING ACTIONS, SUBSECTION (d)**

All actions, including a negative action, of any town meeting shall be subject to overrule by a special town referendum in the following manner:

- (a) If, within ten (10) days after such action of the town meeting, a petition conforming to the requirements of Section 7-9 and 7-9a of the General Statutes, as amended, and signed in ink or indelible pencil by qualified electors of the town equal in number to at least five (5) percent of the total electors of the town as determined from the latest official lists of the Registrars of Voters, is filed with the Town Clerk requesting its reference to the town voters at a special referendum, the effective date of such action, if an affirmative action, shall be suspended;
- (b) Said petition shall be accompanied by affidavits signed and sworn to by each circulator as provided in said Section 7-9;
- (c) The Town Clerk shall within ten (10) days after receipt of the last page of said petition determine whether the petition and affidavits are sufficient as prescribed by law and if so, certify said petition to the Board of Selectmen;
- (d) Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix the time and place of said special referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after the certification of said petition and notice thereof shall be given in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum.



*Any action so referred shall take effect upon the conclusion of such referendum unless a majority of those persons voting thereon, such majority being equal to at least ~~fifteen (15)~~ (insert %) percent of the qualified electors of the town, as determined from the latest official lists of the Registrars of Voters, shall have voted in favor of overruling such action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes, as amended.*

The CRC agreed that the current percentage (15%) is high. Mr. Palshaw presented the following options: [1] a 5% majority percentage required to petition with a simple majority to overrule; [2] a 2% majority percentage required to petition with a simple majority to overrule; however, at least 5% of the voters shall have voted on the matter; or [3] a 5% majority percentage required to petition with a simple majority; however, at least 10% of the voters shall have voted on the matter. Note: Options 2 and 3 were samples from the CCM Charter Revision Information Kit.

The CRC also discussed reducing the current percentage to a 7.5% majority percentage with a simple majority.

MOVED (STAVENS), SECONDED (GRAZIANI) AND PASSED UNANIMOUSLY TO TABLE DISCUSSION/ACTION ON THIS PROPOSED CHANGE TO ALLOW THE MEMBERS TO STUDY IT FURTHER.

2. Other Changes:

No other changes have been submitted.

V. NEW BUSINESS

A. Review Timeline to Submit Draft Report

The CRC reviewed the proposed timeline which will permit the Charter Revision proposals to appear on the ballot for the November 2018 election. The Board of Selectmen, at their meeting on February 12, 2018, made a motion to recommend that the Charter Revision Commission submit the draft report, including the proposed revisions, no later than July 25, 2018. Mr. Palshaw stated that this was a good timeline; however, cautioned that the CRC may have to meet more than once a month to achieve it. He also expressed concern that in the event the BOS rejects any of the proposed changes, the 45-day waiting period to allow citizens to potentially petition a referendum may delay the process.

Mr. Graziani agreed that the July 25, 2018 date to submit the draft report is a good target.

VI. ADJOURNMENT:

MOVED (PALSHAW), SECONDED (STAVENS) AND PASSED UNANIMOUSLY TO ADJOURN THE REGULAR MEETING OF THE CHARTER REVISION COMMISSION AT 8:00 P.M.

Respectfully submitted,



Marie Sauve  
Recording Secretary

## Charter Revision Proposals

Received as of December 5, 2017

Charter Section		Proposed Change	Submitted by	Status	
1.	<b>Section 602</b> Annual Town Budget Meeting	Change the date of the budget referendum to allow for timely publication of the legal notice.	Diane McKeegan, Town Clerk	✓	2/21/18: CRC voted unanimously to include in Draft Report
2.	<b>Section 205</b> Vacancies – Elective Offices, Subsection (a) and (d)	Change the term of office for elected official vacancies to serve until the end of the current term vs. until the next election.	Diane McKeegan Town Clerk		2/21/18: CRC voted unanimously to include in Draft Report <b>pending Town Attorney review.</b>
3.	<b>Section 808</b> Public Safety Commission	Repeal; inactive	Jack Turner, E911 Municipal Coordinator/Selectman	✓	2/21/18: CRC voted unanimously to include in Draft Report
4.	<b>[A] Section 923</b> Emergency Services	Add language to give the Town flexibility in determining who will provide emergency services to the Town	Lori Spielman, First Selectman; Peter Hany, EVAC Chief; Jack Turner	✓	2/21/18: CRC voted unanimously to include in Draft Report
	<b>[B] Section 923</b> Emergency Services	Add Director of Emergency and Medical Services position to oversee all three agencies (Ellington Volunteer Ambulance Corps, Ellington Volunteer Fire Department and Crystal Lake Fire Department).	Charter Revision Commission		1/31/18: CRC will consider for inclusion in Draft Report; <b>2/21/18 Tabled for further study.</b>
5.	<b>Section 1011</b> Purchasing	Remove the dollar amount, \$7,500, regarding the minimum monetary amount required to obtain competitive bidding and add language that the minimum monetary amount will comply with the Town Ordinance Concerning Competitive Bidding Requirements.	Charter Revision Commission		1/31/18: CRC will consider for inclusion in Draft Report; <b>2/21/18 Tabled for further study and review by the Town Attorney.</b>



Charter Section	Proposed Change	Submitted by	Status
6.	<b>[A] Section 302</b> Election and Terms of Office: Town Election, Subsections (a) and (b)	Change the terms of office for the First Selectman and Board of Selectmen from two (2) years to four (4) years.	✓
		Also, change language to not allow the votes for the unsuccessful candidate for First Selectman to be counted as a member of the Board of Selectmen.	
7.	<b>[B]Section 701</b> General	Change the terms of office for the First Selectman from two (2) years to four (4) years	✓
		Revise the language regarding the 15% majority requirement to overrule action taken at a Town Meeting.	
8.	<b>Section 605</b> Power to Overrule – Town Meeting Actions, Subsection (d)	Tom Palshaw CRC Member	1/31/18: CRC will consider for inclusion in Draft Report; 2/21/18 Tabled for further study and review by the Town Attorney
9.	Change Form of Town Government to Town Council/Town Manager  Place restriction on how many consecutive years the Town uses the same auditor  Consider language to reopen budget approvals	Mark Joyse Laurie Burstein Peg Busse	The CRC will not consider for inclusion in Draft Report
10.	Consider adding a "lockbox" feature whereby the funds can only be diverted for a different purchase if approved by referendum vote.	Peg Busse	The CRC will not consider for inclusion in Draft Report
11.	Consider adding language that would allow the Town to establish a third voting district	Peg Busse	The CRC will not consider for inclusion in Draft Report
12.	<b>Section 207</b> Voting Districts	Susan Luginbuhl	This proposal was withdrawn by the Registrar of Voters

List revised 2/21/18

## ORDINANCE CONCERNING COMPETITIVE BIDDING REQUIREMENTS

Pursuant to the authority granted by Connecticut General Statutes, Section 7-148v, as amended by Public Act 13-71, that authorizes Charter Section 1011 be amended by Ordinance, the second sentence of Charter Section 1011 is hereby amended so as to read, ***For any purchase estimated at twenty-five thousand dollars (\$25,000.00), or more, the Finance Officer shall invite sealed bids unless the Board of Selectmen shall decide it to be against the best interest of the town*** and the last sentence of Charter Section 1011 is hereby amended so as to read, ***For any purchase less than, twenty-five thousand dollars (\$25,000.00) or such other amount required by law, the Finance Officer or his designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract.***

### APPROVAL RECORD FOR ORDINANCE:

Board of Selectmen Approved for Public Hearing:	August 26, 2013
Public Hearing Notice Published On:	September 5, 2013
Public Hearing Held On:	September 16, 2013
Board of Selectmen Recommend Adoption:	September 16, 2013
Town Meeting Notice Published On:	October 10, 2013
Approved by Town Meeting On:	October 21, 2013
Town Clerk Published Legal Notice upon Passage On:	October 24, 2013
Effective Date of Ordinance:	November 14, 2013